

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Daryll A. EMERY et al.	)	Group Art Unit:	1655
		)		
Serial No.:	10/749,602	)	Examiner:	Patricia A. Leith
Confirmation No.:	8548	)		
		)		
Filed:	December 31, 2003	)		
		)		
For:	<u>IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT</u>			

**COMMUNICATION RE: FORMAL DRAWINGS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It has come to our attention that the U.S. Patent and Trademark Office's electronic database (PAIR Image File Wrapper) for the patent application referenced above contains a set of 16 drawings (Mail Room Date 06-25-2004) that belong to a different patent application (Serial No. 10/763,450).

Applicants respectfully request that the 16 drawings for patent application 10/763,450 be removed from the PTO electronic records for the instant application and from any paper files for the instant application. It is noted that the incorrect drawings were published in the publication of the instant application (2007/0098733 A1). Therefore, Applicants further request that the PTO take any necessary steps to ensure that the Applicants' formal set of 3 drawings as filed on June 25, 2004 are used in the printing of the issued patent should it be allowed and issued.

For your convenience in identifying the correct set of drawings, we have enclosed another copy of the formal drawings filed on June 25, 2004 along with a copy of the transmittal, a copy of the Submission of Drawings Under 27 C.F.R. §1.85 and a copy of the return postcard stamped with the USPTO's received stamp.

**Communication Re: Formal Drawings**

Page 2 of 2

Applicant(s): EMERY et al.

Serial No.: 10/749,602

Confirmation No.: 8548

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The Examiner is invited to contact Applicants' Representatives at the below-listed telephone number, if they can be of any assistance during prosecution of the present application.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper, as described hereinabove, is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20<sup>th</sup> day of May, 2008.

By: Deb Schurman  
Name: Deb Schurman

Date

May 20, 2008

Respectfully submitted

By

Mueting, Raasch & Gebhardt, P.A.

P.O. Box 581415

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**Customer Number 26813**

By:

David L. Provence

David L. Provence

Reg. No. 43,022

Direct Dial (612)305-1005

# COPY

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

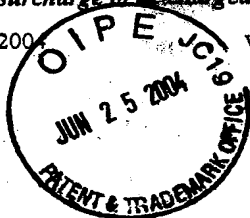
Applicant(s): Emery et al.  
Serial No.: 10/749,602 Confirmation No.: 8548  
Filed: December 31, 2003  
Title: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING  
IMPLANT

Enclosed: Supplemental Application Data Sheet (2 pgs); Communication Re: Missing Parts (2 pgs); a copy of the Combined Declaration and Power of Attorney filed in the prior application (4 pgs); a copy of the Notice to File Missing Parts of Nonprovisional Application (2 pgs); Submission of Drawings under 37 C.F.R. §1.85 (1 pg); Replacement Drawings (3 sheets); a Request for Corrected Filing Receipt (1 pg) including a copy of the Filing Receipt (1 pg) with correction marked up in red; and transmittal document (in triplicate).

\*\*\*Missing Parts Surcharge to be charged to PTO Deposit Account\*\*\*

Mailed: JUNE 25, 2004  
Docket: 293.00010102

via Exp. Mail No. EV 405460027 US  
DLP/psh



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Emery et al.

Group Art Unit: 1642

Serial No.: 10/749,602

Examiner: Unassigned

Confirmation No.: 8548

Filed: December 31, 2003

Docket No.: 293.00020102

Title: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

**COPY**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ An itemized return postcard.  
☐ A Petition for Extension of Time for \_\_\_ month(s) and a check in the amount of \$\_\_\_ for the required fee.  
☒ Please charge PTO Deposit Account No. 13-4895 in the amount of \$130, for missing parts surcharge.  
☒ Other: Supplemental Application Data Sheet (2 pgs); Communication Re: Missing Parts (2 pgs); a copy of the Combined Declaration and Power of Attorney filed in the prior application (4 pgs); a copy of the Notice to File Missing Parts of Nonprovisional Application (2 pgs); Submission of Drawings under 37 C.F.R. §1.85 (1 pg); Replacement Drawings (3 sheets); and a Request for Corrected Filing Receipt (1 pg) including a copy of the Filing Receipt (1 pg) with correction marked up in red.  
Amendment \_\_\_ No Additional fee is required. \_\_\_ The fee has been calculated as shown:

Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Total Claims				x \$18 =	
Independent Claims				x \$86 =	
One or More New Multiple Dependent Claims Presented? If Yes, Add \$290 Here →					
Total Additional Claim Fees Required					

**Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.**

MUETING, RAASCH & GEBHARDT, P.A.  
Customer Number: 26813

By: David L. Provence  
Name: David L. Provence  
Reg. No.: 43,022  
Direct Dial: 612-305-1005  
Facsimile: 612-305-1228

**CERTIFICATE UNDER 37 CFR §1.10:**

"Express Mail" mailing label number: **EV 405460027 US**

Date of Deposit: **JUNE 25, 2004**

I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Rachel Baslini-Gabard  
Name: Rachel Baslini-Gabard

(LARGE ENTITY TRANSMITTAL UNDER RULE 1.10)

**EV405460027US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

Applicant(s): Emery et al. )  
Serial No.: 10/749,602 )  
Confirmation No.: 8548 )  
Filed: December 31, 2003 )  
For: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

Group Art Unit: 1642  
Examiner: Unassigned

SUBMISSION OF DRAWINGS UNDER 37 C.F.R. §1.85

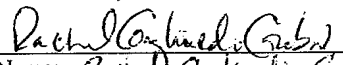
Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Attached please find 3 sheet(s) of Replacement Drawings for the above-identified patent application. Please contact the undersigned attorney if you have any questions.

**CERTIFICATE UNDER 37 C.F.R. 1.10:**

The undersigned hereby certifies that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated below and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


  
Name: Rachel Gagliardi Gebhardt  
"Express Mail" mailing label number:  
**EV 405460027 US**  
Date of Deposit: JUNE 25, 2004

Respectfully submitted for

**Emery et al.**

By  
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June 25, 2004  
Date

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